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Mongolia

The present report is a compilation of the information contained in reports of the treaty bodies and special procedures, including observations and comments by the State concerned, in reports of the United Nations High Commissioner for Human Rights, and in other relevant official United Nations documents. It is presented in a summarized manner owing to word-limit constraints. For the full texts, please refer to the documents referenced. The report does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights other than those contained in public reports and statements issued by the Office. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the periodicity of the review, and developments during that period.

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Please recycle

I. Background and framework

A. Scope of international obligations[1]

International human rights treaties[2]

	Status during previous cycle	*Action after review*	*Not ratified/not accepted*
Ratification, accession or succession	ICERD (1969)	ICCPR-OP 2 (2012)	ICRMW
	ICESCR (1974)	OP-CAT (2015)	
	ICCPR (1974)	ICPPED (2015)	
	CEDAW (1981)		
	CAT (2002)		
	CRC (1990)		
	OP-CRC-AC (2004)		
	OP-CRC-SC (2003)		
	CRPD (2009)		
	ICPPED (signature, 2007)		
Reservations and/or declarations	ICERD (declaration, art. 17 (1), 1969)		
	ICESCR (declaration, art. 26 (1), 1974)		
	ICCPR (declaration, art. 48 (1), 1974)		
	OP-CRC-AC (declaration, art. 3 (2), minimum age of recruitment 18 years, 2004)		
Complaints procedures, inquiries and urgent action[3]	ICCPR-OP 1 (1991)	OP-ICESCR (2010)	ICERD, art. 14
	OP-CEDAW, art. 8 (2002)	OP-CRC-IC (signature, 2013)	ICCPR, art. 41
	CAT, art. 20 (2002)		CAT, arts. 21 and 22
	OP-CRPD, art. 6 (2009)		ICRMW
			OP-CRC-IC (signature, 2013)
			ICPPED arts. 31 and 32

Other main relevant international instruments

	Status during previous cycle	*Action after review*	*Not ratified*
Ratification, accession or succession	Convention on the Prevention and Punishment of the Crime of Genocide		Conventions on refugees and stateless persons[8]
	Rome Statute of the International Criminal Court		ILO Conventions Nos. 169 and 189[9]

Status during previous cycle	*Action after review*	*Not ratified*
Palermo Protocol[4]		
Geneva Conventions of 12 August 1949 and Additional Protocols I and II[5]		
Additional Protocol III to the 1949 Geneva Conventions[6]		
ILO fundamental conventions[7]		
UNESCO Convention against Discrimination in Education		

1. In 2010, the Committee against Torture (CAT) welcomed the accession of Mongolia to OP-ICESCR,[10] and invited Mongolia to ratify ICRMW,[11], and to make the declarations under articles 21 and 22 of CAT.[12]

2. CAT urged Mongolia to consider acceding to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol.[13]

B. Constitutional and legislative framework

3. In 2011, the Human Rights Committee (HR Committee) remained concerned that only a limited number of the provisions referred to in article 4 of the Covenant were considered non-derogable during a state of emergency. Mongolia should amend article 19, paragraph 2, of the Constitution and the Law on State of Emergency to ensure that national law prohibited derogation from the provisions of the Covenant which were considered non-derogable, and enable its immediate implementation and effect.[14]

4. The Special Rapporteur on extreme poverty urged the Government to develop legislation with a view to effectively protecting the rights of lesbian, gay, bisexual and transgender persons, including by conducting thorough and impartial investigations of allegations of attacks against them.[15]

5. The Special Rapporteur on extreme poverty recommended that the Government establish a task force to identify gaps in existing legislation and policies as a means of developing a comprehensive framework for combating poverty in the future and ensure proper implementation of existing laws by strengthening monitoring and accountability mechanisms.[16]

C. Institutional and human rights infrastructure and policy measures

6. The HR Committee was concerned about the alleged lack of transparency of the Human Rights Commission's appointments procedure. It questioned the Human Rights Commission's vigilance in monitoring, promoting and protecting human rights during the 2008 state of emergency. Mongolia should guarantee the National Human Rights Commission's independence by providing it with adequate funding and human resources, and revising the appointment process for its members.[17] In 2012 and 2014, under its follow-up mechanism, the HR Committee reiterated its request for information on the above recommendations.[18]

7. The Working Group on business recommended that any reform of the NHRC strengthen its independence and compliance with the Paris Principles.[19] It also recommended that Mongolia take an active role in identifying the compatibility of laws and

their enforcement with the State party's human rights obligations, and in providing guidance on human rights to business enterprises, cover the broad spectrum of human rights in its activities, and in particular use the Guiding Principles on Business and Human Rights when investigating individual complaints relating to the human rights impacts of business activities.[20]

8. The United Nations country team (UNCT) noted that, in March 2012, the Cabinet had discussed a report on the implementation status of the National Human Rights Action Plan adopted in 2003. The National Programme Committee (NPC) had been dysfunctional since the formation of the new government in August 2012.[21]

Status of national human rights institutions[22]

National human rights institution	*Status during previous cycle*	*Status during present cycle*[23]
National Human Rights Commission of Mongolia	A (2008)	A (2014)

II. Cooperation with human rights mechanisms

A. Cooperation with treaty bodies[24]

1. Reporting status

Treaty body	*Concluding observations included in previous review*	*Latest report submitted since previous review*	*Latest concluding observations*	*Reporting status*
CERD	August 2006	2014	–	Nineteenth to twenty-second reports pending consideration in 2015
CESCR	August 2000	2012	–	Fourth report pending consideration in June 2015
HR Committee	March 2000	2009	March 2011	Sixth report due in April 2015
CEDAW	October 2008	2014	–	Combined eighth and ninth reports pending consideration in 2016
CAT	–	2009	November 2010	Second report overdue since 2014
CRC	January 2010	–	–	Fifth report overdue since 2014
CRPD	–	2011	–	Initial report pending consideration in April 2015
CED	–	–	–	Initial report due in 2017

2. Responses to specific follow-up requests by treaty bodies

Concluding observations

Treaty body	*Due in*	*Subject matter*	*Submitted in*
HR Committee	2012	National Human Rights Commission; police impunity for human rights violations;	2012.[28] Further information

Treaty body	*Due in*	*Subject matter*	*Submitted in*
CEDAW	2010	reform of the judiciary.[25]	requested.[29]
CAT	2011	Law on Gender Equality and Capacity building for the National Committee on Gender Equality.[26]	2011.[30] Further information requested.[31]
		Impunity for torture and ill treatment; detention conditions; death penalty.[27]	Reminder sent in 2011.[32]

B. Cooperation with special procedures[33]

	Status during previous cycle	*Current status*
Standing invitation	Yes	Yes
Visits undertaken	Education	Working Group on Business enterprises
		Extreme poverty
Visits agreed to in principle	–	Human rights defenders
Visits requested	–	–
Responses to letters of allegation and urgent appeals	During the period under review one communication was sent to the Government. No reply has been received.	

III. Implementation of international human rights obligations

A. Equality and non-discrimination

9. The Special Rapporteur on extreme poverty encouraged Mongolia to revise the definition of discrimination within the Constitution in line with international human rights standards in order to prohibit all forms of discrimination, including on the basis of sexual orientation, gender identity and health status, and develop effective mechanisms to provide access to justice and remedies in cases of the violation of those rights.[34]

10. CAT was concerned that there was no comprehensive domestic law against discrimination and that hate crimes and speech were not offences under the law. Mongolia should establish a comprehensive legal framework to combat discrimination, including hate crimes and speech, and bring the perpetrators of such crimes to justice.[35] The HR Committee and UNCT[36] raised similar concerns regarding discrimination.[37]

11. The HR Committee noted with regret the limited impact of the measures taken to address traditional discriminatory practices and persisting stereotypes about the roles and responsibilities of women and men.[38]

12. While welcoming the fact that children of stateless persons may apply for citizenship, the HR Committee was concerned about persons who had become stateless as a result of the legal obligation for individuals to renounce their nationality upon application for another nationality. Mongolia should implement reforms to guarantee the right of all

persons to receive a nationality, including stateless children born on its territory to stateless parents, and comply with the six-month legal deadline for completion of that procedure.[39]

13. CAT welcomed the official registration of the LGBT Centre and noted with appreciation the indication by Mongolia of the need for a public awareness-raising campaign regarding lesbian, gay, bisexual and transgender (LGBT) persons. It was concerned at reports that LGBT persons were subjected to violence and sexual abuse, owing to widespread negative social attitudes.[40] The HR Committee urged Mongolia to ensure that all allegations of attacks and threats against individuals targeted because of their sexual orientation or gender identity were thoroughly investigated.[41]

14. CAT was concerned about reports concerning discrimination against persons with HIV/AIDS, especially with regard to housing and "pre-screening" prior to employment. It requested that Mongolia to ensure the protection of persons living with HIV/AIDS.[42]

B. Right to life, liberty and security of the person

15. UNCT stated that article 16.1 of the Constitution, on the right to life, should be amended to reflect Mongolia's ratification of the Second Optional Protocol to ICCPR by removing the provision "deprivation of human life shall be strictly prohibited unless capital punishment, constituted by Mongolian penal law for the most serious crimes, is imposed by a competent court as its final decision".[43]

16. CAT was concerned that information on the death penalty was classified as a State secret and that not even the families of executed persons were informed about the date of an execution. It was also concerned about the fate and conditions of detention of 44 prisoners remaining on death row. CAT recommended that Mongolia declassify information on the death penalty; provide relevant information to the families of persons who were sentenced to execution; provide CAT with information on the 44 persons remaining on death row; ensure that death row prisoners were treated in accordance with international standards; and consider commuting all death sentences.[44]

17. The Special Rapporteur on torture noted that torture persisted, particularly in police stations and pretrial detention facilities. CAT urged Mongolia to ensure that torture and ill-treatment by public officials would not be tolerated and that all alleged perpetrators of acts of torture would be investigated and, where appropriate, prosecuted, convicted and punished with penalties appropriate to the gravity of the crime.[45]

18. CAT was concerned about the ill-treatment of prisoners, including solitary confinement, for prisoners serving 30-year sentences. Mongolia should ensure that prison guards and other officials abided by the law and adhered strictly to rules and regulations.[46] It also requested to receive follow-up information on the matter in 2011.[47]

19. CAT was concerned about conditions of detention in some facilities and urged Mongolia to bring conditions of detention into line with international standards. The State General Prosecutor's Office, the National Human Rights Commission and other authorized independent bodies should carry out regular, unannounced visits to places of detention.[48] The HR Committee recommended that an independent mechanism be established to monitor places of detention.[49]

20. CAT was concerned at the information that arbitrary arrests and detentions occurred frequently, with two thirds of pretrial detentions taking place without court orders, and that pretrial detention was not used as a last resort. Mongolia should ensure that all detainees are afforded the fundamental legal safeguards from the very outset of their detention, including being informed of the reasons of their arrest, having access to a lawyer, legal aid and an

independent medical examination; notifying a relative, being brought promptly before a judge, and having the lawfulness of their detention reviewed by a court.[50]

21. CAT was concerned that some foreigners might have been subjected to organized violence on the basis of their ethnic origin. Mongolia should ensure the protection of vulnerable groups and adopt legislation to combat violence caused by organizations that promoted and incited racial, ethnic and other forms of discrimination.[51]

22. UNCT noted that gender-based violence remained one of the most serious violations of human rights in Mongolia. Insufficient nationwide data on the prevalence of gender-based violence obscured the magnitude of the problem.[52]

23. The HR Committee noted with regret the high level of domestic violence against women and the low number of cases dealt with by the judicial system.[53] CAT urged Mongolia to criminalize marital rape and sexual harassment, ensure that victims had access to immediate means of redress and protection, and that perpetrators were duly prosecuted.[54]

24. UNCT noted that violence against children remained widespread in communities and homes, including bullying and corporal punishment in schools.[55] While taking note of the prohibition of corporal punishment under the Education Law, the HR Committee was concerned about the continued practice of corporal punishment in all settings[56] CAT raised similar concerns and recommended that Mongolia explicitly prohibit corporal punishment of children and encourage non-violent forms of discipline.[57]

25. CAT was concerned at reports about the exploitation of children. Mongolia should ensure that children did not work in hazardous labour conditions, including artisanal (informal) mines. It should combat child labour, including by criminalizing employers who exploited child labour and bringing them to justice.[58]

26. UNCT expressed particular concern at the use of children as jockeys in traditional horseracing, recommending that Mongolia protect all jockeys taking part in such races and that it start by progressively raising the minimum age for participation in order to comply with international legislation on dangerous child labour, with a view to eventually prohibiting children from participating in horseracing as jockeys.[59]

27. CAT was concerned at reports that the majority of victims of human trafficking were young girls and women, in particular poor and street children, as well as victims of domestic violence, who were trafficked for the purpose of sexual and labour exploitation and fraudulent marriages. Mongolia should enhance measures with regard to the situation of street children.[60] UNHCR recommended that Mongolia ensure proper investigation, prosecution and adequate sanctions in all cases of human trafficking; allocate resources to provide for the adequate protection of victims and witnesses, including through the establishment and running of safe shelters; and establish under the regulations a referral mechanism for victims of trafficking in need of international protection.[61]

28. The Special Rapporteur on extreme poverty recommended that Mongolia implement the comprehensive anti-trafficking law adopted in January 2012 and further strengthen the law enforcement and judicial system as a means of addressing impunity and preventing the incidence of trafficking, domestic violence and the sexual abuse of women and girls. He called on the Government to address the gap in the protection of victims of trafficking; and ensure that offenders were prosecuted and that law enforcement officials were adequately trained.[62]

C. Administration of justice, including impunity, and the rule of law

29. The Working Group on business entreprises recommended that Mongolia reinforce the independence and capacity of judges, lawyers and prosecutors; and ensure that

mandatory training for judges and lawyers included international human rights obligations, including standards relating to business and human rights.[63]

30. According to UNCT, the court system had been undergoing a major reform. One potential weakness of the new system was the reorganization of court districts, which had resulted in the abolishment of courts in a number of *aimags*, which might cause barriers in access to justice due to geographical distance, thereby adding to costs for parties to the proceedings.[64]

31. While welcoming the reform project of the judiciary initiated in 2009, the HR Committee was concerned about allegations of corruption and a lack of transparency and independence of the judiciary. It recommended that Mongolia, inter alia, guarantee the transparency and independence of its institutions and thoroughly investigate all allegations of corruption of the judiciary.[65] In 2012 and 2014, the HR Committee considered the recommendation on the investigation on corruption in the judicial system not to have been implemented, and requested additional information.[66]

32. The HR Committee remained concerned about the information provided alleging the lack of independence of lawyers in the exercise of their profession. Mongolia should guarantee the independence of lawyers and of the Law Association.[67] The Special Rapporteur on extreme poverty advised that capacity constraints in legal aid centres be tackled by allocating sufficient resources and ensuring that legal aid lawyers were adequately trained and remunerated.[68]

33. CAT noted with appreciation the opening of legal aid centres in all districts of the capital and in all 21 provinces.[69] The HR Committee however remained concerned at the limited availability of legal aid services owing to the lack of resources. It urged Mongolia to provide the necessary budgetary allocation and human resources to the legal centres, including in rural areas.[70]

34. CAT was seriously concerned that statements and confessions obtained under torture and ill-treatment continued to be used in courts, which was also referred to by the Special Rapporteur on torture. It urged Mongolia to ensure that such statements and confessions be invoked only as evidence in proceedings against the person accused of torture or ill-treatment.[71] Law enforcement officials should receive clear instructions regarding the use of force and be sanctioned with appropriate legal and administrative penalties if found guilty of such offences.[72]

35. CAT urged Mongolia to introduce systematic video and audio monitoring and recording of all interrogations, in all places where torture and ill-treatment were likely to occur.[73] The HR Committee also recommended that Mongolia adopt regulations on the storage of monitoring information and its use in subsequent investigations.[74]

36. CAT was concerned that the Human Rights Commission had issued a statement indicating that "human rights were not infringed" during the state of emergency, and that that statement had subsequently been used by the judiciary to dismiss complaints about torture and ill-treatment and to force people to sign self-incriminating confessions, on the basis of which they were then sentenced.[75]

37. While welcoming article 10 of the Constitution, which enabled the direct invocation of the Covenant on Civil and Political Rights before domestic courts, the HR Committee remained concerned about the lack of application of that provision. It was also concerned that an accused person received a longer sentence in a criminal case when references were made to international human rights treaties. Mongolia should promote the effective application of the provisions of the Covenant before domestic courts and ensure that references to Covenant provisions during legal proceedings were not met with a response that jeopardized the right to a fair trial.[76]

38. CAT was concerned at the delegation's statement that judges had limited knowledge of international instruments. Mongolia should ensure that mandatory training included all the provisions of the Convention, especially that on the absolute prohibition of torture.[77]

39. While welcoming the progress made through the adoption of legislation against human trafficking, the HR Committee was concerned about its enforcement and the difficulties of victims and witnesses in receiving legal advice, protection and rehabilitation. It noted with regret that a high proportion of cases of trafficking were dismissed by the courts.[78] CAT was concerned that trafficking was seldom prosecuted under article 113 of the Criminal Code, on sales and purchase of humans, which carried higher penalties than those under article 124, on inducing others to engage in prostitution and organizing prostitution. Mongolia should inter alia prosecute trafficking in persons under article 113 of the Criminal Code; investigate all allegations of trafficking in persons, including against law enforcement officials; and provide compensation and rehabilitation to all victims.[79]

40. CAT was concerned that there was no effective and adequate means for victims of torture and ill-treatment to obtain justice, compensation and rehabilitation. It was also concerned that provisions for compensation in Mongolian law did not specify torture as a basis for compensation. That was also noted by the Special Rapporteur on torture. Mongolia should ensure that victims of torture obtained redress and fair and adequate compensation, and enact comprehensive legislation which included torture and ill-treatment as a basis for compensation and reparation.[80]

41. CAT was gravely concerned that only one person had been convicted in 744 torture-related cases since 2007, thereby creating an environment of impunity. That concern was echoed by the Special Rapporteur on torture.[81] The HR Committee was concerned that articles 100 and 251 of the Criminal Code limited the investigation of acts of torture or cruel, inhuman or degrading treatment to the "inquirer" or "investigator", and that article 44.1 of the Criminal Code exempted from investigation anyone "who acted under orders". It urged Mongolia to adopt a definition of torture that fully complied with international standards.[82] CAT requested to receive follow-up information on the matter in 2011.[83]

42. CAT was concerned that, in the aftermath of the July 2008 events under the state of emergency, the complaints submitted to the National Human Rights Commission and to the Prosecutor's Office had been dismissed on account of lack of evidence.[84] CAT urged Mongolia to investigate all allegations of human rights violations, ensuring that those involved were prosecuted and that victims were adequately compensated.[85] In 2012 and 2014, under its follow-up mechanism, the HR Committee noted as positive the reopening of the case against four police officers involved in the state of emergency. It requested information on the outcomes of the ongoing cases concerning other complaints about human rights violations.[86]

43. CAT was concerned that the juvenile justice system was not in harmony with the Convention on the Rights of the Child and that there was no comprehensive policy framework for juvenile justice. Mongolia should, inter alia; harmonize its national legislation in line with applicable international standards and improve the legal framework for juvenile justice; not resort to pretrial detention except in cases prescribed by law; ensure that children were detained separately from adults; and establish specialized juvenile courts.[87]

D. Freedom of religion or belief, expression, association and peaceful assembly, and the right to participate in public and political life

44. While welcoming the information provided by Mongolia on the increase of the number and diversity of religions registered, the HR Committee remained concerned about allegations that certain religious groups faced difficulties during the registration process. Mongolia should bring the Law on Relations between the State and Religious Institutions (1993) into compliance with the Covenant.[88]

45. The HR Committee was concerned about the absence of an alternative civilian service for conscientious objectors to military service. It was also concerned about the exemption fee that could be paid in lieu of doing military service, and the discrimination that might result therefrom. Mongolia should put in place an alternative to military service, accessible to all conscientious objectors, that was neither punitive nor discriminatory in nature, cost and/or duration.[89]

46. According to UNCT, national and local media had been subject to sporadic violations of freedom of expression and media independence including physical harassment and threats affecting media professionals' safety; extensive use of libel cases; government interference; financial pressure; and unjustified obstructions.[90]

47. The HR Committee was concerned about frequent threats and attacks on journalists and/or their family members, and the time elapsed since the discussion on the draft law on freedom of information in 2001. It regretted the application of the legislation on defamation in the case of journalists prosecuted after criticizing public servants, or lawyers who contested judges' decisions. Mongolia should guarantee the full compliance of the draft law on freedom of information with the Covenant.[91] UNESCO recommended that Mongolia ensure that journalists and media workers were able to practise the profession in a free and safe environment as part of their fundamental human rights in accordance with international standards;[92] and decriminalize defamation and place it within a civil code that was in accordance with international standards.[93]

48. While noting the adoption of the Law on Gender Equality and the implementation of the National Programme on Fulfilling Gender Equality, the HR Committee remained concerned at the low level of representation of women in Parliament and in decision-making positions. Mongolia should increase the participation of women in decision-making positions, if necessary through appropriate temporary special measures.[94] In 2012, the Committee on the Elimination of Discrimination against Women (CEDAW) requested further information on the steps taken to ensure that the Law on Gender Equality prohibited both direct and indirect gender-based discrimination by public and private actors; and to implement quotas in other areas than public administration; and on the resources allocated to the National Committee on Gender Equality to promote the implementation of the Convention.[95]

49. The Special Rapporteur on extreme poverty highlighted the need to strengthen the participation of women in politics, particularly at the decision-making level, and make provisions for women who lived in remote areas to be able to participate fully in political life.[96]

E. Right to work and to just and favourable conditions of work

50. UNCT noted that discrimination on the basis of age, sex and social status still existed. Some job announcements in local newspapers specified age and sex, and sometimes even physical appearance. In many cases, employers used civil contracts instead

of employment contracts in order to avoid contributing to the worker's social insurance scheme.[97]

51. UNCT also noted a survey conducted by the Ministry of Labour, which showed that women received 90.2 per cent of the salary of men. The female employment rate was 51.6 per cent and female labour force participation 56.3 per cent in 2013, higher than the world average (52.5 per cent). Women were mainly employed in the low-paying health, education, retail trade and informal sectors, while men were in the comparatively higher-paying IT, mining and construction sectors.[98]

52. CAT was concerned at reports that some artisanal miners worked in informal mining communities in very precarious conditions, incompatible with international labour standards. Mongolia should combat all forms of forced labour and ensure that conditions in such facilities were in compliance with international standards.[99] UNCT expressed concern that health and safety standards were poor, particularly in the building and road construction, energy and mining industries.[100]

53. The Working Group on business enterprises recommended that the Government ensure stricter regulation and enforcement of labour laws and standards, in line with internationally agreed treaties and standards, including on the right to freedom of association.[101]

F. Right to social security and to an adequate standard of living

54. The Special Rapporteur on extreme poverty recommended that the Government develop a national poverty-reduction strategy based on human rights norms, implement existing legislation as a means of providing a sound basis for poverty reduction, and develop mechanisms to guarantee continuity of policies that worked well.[102]

55. UNCT noted that access to improved sanitation was limited across the country and had not changed significantly since 2000.[103]

G. Right to health

56. While welcoming the measures taken by Mongolia to further reduce maternal mortality, the HR Committee remained concerned about the high levels of maternal mortality, especially in the rural areas. Mongolia should urgently reduce maternal mortality, including by implementing the project for a nationwide network of national ambulance services and opening new medical clinics in rural areas. It should also improve access to health services for cases of high-risk pregnancies.[104]

57. UNCT noted significant discrepancies in the health indicators between urban and rural populations, in particular, infant and under-five mortality, which was significantly lower in rural than in urban areas. The maternal mortality rate in remote areas was twice the national average.[105]

58. UNCT noted that young people were unaware what services regarding reproductive health rights they were entitled to; distrusted the reliability and confidentiality of public services; and were uncertain that the skills of health care providers would meet their specific needs regarding reproductive health.[106]

59. According to UNCT, a number of challenges related to the health system remained, the most important of which were: persisting high levels of out-of-pocket payments, which were especially catastrophic for the poor; the poor quality of care, both in public and private sector health facilities, particularly in rural facilities; increased investment in the

health sector not matching expected health needs of the health system; the need to strengthen the delivery of primary health care within national and subnational health systems, especially at the subnational level, to expand coverage and access; and to address the problem of drugs and food safety owing to a poor food and drug regulatory system.[107]

H. Right to education

60. The HR Committee took note of the measures taken to promote the access to education of the Kazakh minority. It remained concerned, however, about the difficulties that population faced in accessing education in their language, and urged Mongolia to further promote this.[108]

61. According to UNCT, the increasing population of Ulaanbaatar, combined with poor infrastructure and seasonal challenges in rural areas, made it more difficult to provide quality education to all children. Access to kindergarten remained a challenge, despite creative practices such as mobile "ger" kindergartens for herders' children. Children with disabilities, ethnic minority children and "street" children could not fully enjoy their right to education.[109]

I. Cultural rights

62. UNESCO recommended that Mongolia promote access to and participation in cultural heritage and creative expression, which are conducive to implementing the right to take part in cultural life.[110]

J. Persons with disabilities

63. The HR Committee noted with concern the limited access of persons with disabilities to education, health and social services owing to widespread discrimination and the lack of adequate structures. Mongolia should implement a plan of action to address the situation of persons with disabilities, and facilitate their access to education, health and social services.[111]

64. CAT regretted the lack of information provided by the State delegation on legal safeguards in relation to the hospitalization of persons with mental illnesses and intellectual disabilities. It was concerned at the frequent use of hospitalization. Mongolia should, as a matter of urgency, strengthen the legal provisions of the rights of persons with disabilities, including persons with mental illnesses and intellectual disabilities; establish monitoring and oversight mechanisms for places of hospitalization; strengthen alternative methods of treatment and care; and increase the number of skilled professionals.[112]

65. The Special Rapporteur on extreme poverty recommended the implementation of legislative provisions to ensure that children with disabilities, particularly those living in rural areas, could access inclusive, quality and free primary and secondary education on an equal basis with others in the communities in which they lived.[113]

K. Minorities and indigenous peoples

66. The Special Rapporteur on extreme poverty requested that ethnic minorities be guaranteed enjoyment of their rights on an equal basis with the rest of the population, including developing cultural and educational policies to enable the availability of instruction and information in minority languages. He referred to the National Human

Rights Commission's recommendations on the rights of minorities, including the establishment of independent monitoring and evaluation on the implementation of programmes and projects managed by the State, with the involvement of representatives of minority groups.[114]

L. Migrants, refugees and asylum seekers

67. UNHCR stated that although Mongolia was not a party to the 1951 Convention, the Government had, in general, respected the non-refoulement principle as part of customary international law and had made continued commitments to guarantee the right to asylum for asylum-seekers and refugees on its territory. As of August 2014, Mongolia was hosting three refugees and seven asylum-seekers.[115]However UNHCR noted that the bilateral legal obligations of Mongolia appeared to override the customary international law obligations regarding the non-refoulement of asylum-seekers and refugees.[116]

68. CAT recommended that Mongolia should, inter alia; assess the merits of each individual case when determining its non-refoulement obligation; introduce amendments in its legislation on forced deportations of foreign citizens; and ensure that appeals to courts against deportation orders have a suspensive effect.[117]

69. With regard to statelessness, UNHCR recommended that Mongolia undertake a thorough analysis of its legal framework to identify the provisions that led to statelessness, and implement immediate reforms to guarantee the right of all persons to acquire a nationality, including providing safeguards to prevent statelessness occurring amongst children.[118]

M. Right to development, and environmental issues

70. The Working Group on business enterprises recommended that Mongolia ensure that its rapid growth was accompanied by strengthened mechanisms to prevent the negative human rights impacts of businesses, including integrating human rights considerations into relevant domestic laws and ensuring that they were robustly and systematically applied.[119]

71. According to UNCT, major environmental risk factors in the country included air pollution, poor access to water and sanitation, chemical safety and poor waste management.[120]

Notes

[1] Unless indicated otherwise, the status of ratification of instruments listed in the table may be found on the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, http://treaties.un.org/. Please also refer to the United Nations compilation on Mongolia from the previous cycle (A/HRC/WG.6/9/MNG/2).

[2] The following abbreviations have been used in the present document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination;
ICESCR	International Covenant on Economic, Social and Cultural Rights;
OP-ICESCR	Optional Protocol to ICESCR;
ICCPR	International Covenant on Civil and Political Rights;
ICCPR-OP 1	Optional Protocol to ICCPR;
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty;
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women;
OP-CEDAW	Optional Protocol to CEDAW;
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
OP-CAT	Optional Protocol to CAT;
CRC	Convention on the Rights of the Child;
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict;
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography;
OP-CRC-IC	Optional Protocol to CRC on a communications procedure;
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
CRPD	Convention on the Rights of Persons with Disabilities;
OP-CRPD	Optional Protocol to CRPD;
ICPPED	International Convention for the Protection of All Persons from Enforced Disappearance.

[3] Individual complaints: ICCPR-OP 1, art. 1; OP-CEDAW, art. 1; OP-CRPD, art. 1; OP-ICESCR, art. 1; OP-CRC-IC, art. 5; ICERD, art. 14; CAT, art. 22; ICRMW, art. 77; and ICPPED, art. 31. Inquiry procedure: OP-CEDAW, art. 8; CAT, art. 20; ICPPED, art. 33; OP-CRPD, art. 6; OP-ICESCR, art. 11; and OP-CRC-IC, art. 13. Inter-State complaints: ICCPR, art. 41; ICRMW, art. 76; ICPPED, art. 32; CAT, art. 21; OP-ICESCR, art. 10; and OP-CRC-IC, art. 12. Urgent action: ICPPED, art. 30.

[4] Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

[5] Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Geneva Convention relative to the Treatment of Prisoners of War (Third Convention); Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see International Committee of the Red Cross, https://www.icrc.org/IHL.

[6] Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see International Committee of the Red Cross, at www.icrc.org/IHL.

[7] International Labour Organization Forced Labour Convention, 1930 (No. 29);Abolition of Forced Labour Convention, 1957 (No. 105); Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87); Right to Organise and Collective Bargaining Convention, 1948 (No. 98); Equal Remuneration Convention, 1951 (No. 100); Discrimination (Employment and Occupation) Convention, 1958 (No. 111); Minimum Age Convention, 1973 (No. 138); Worst Forms of Child Labour, 1999 (No. 182).

[8] 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the Status of Stateless Persons, and 1961 Convention on the Reduction of Statelessness.

[9] International Labour Organization Indigenous and Tribal Peoples Convention, 1989 (No. 169); and Domestic Workers Convention, 2011 (No. 189).

[10] CAT/C/MNG/CO/1, para. 4.

[11] Ibid., para. 30.

[12] Ibid., paras. 28–29. See also UNCT submission to the UPR for Mongolia, para. 1.

[13] CAT/C/MNG/CO/1, para. 13.

[14] CCPR/C/MNG/CO/5, para.11.

[15] A/HRC/23/36/Add.2, para. 97.

[16] Ibid., para. 96.

[17] CCPR/C/MNG/CO/5, para. 5.

[18] Letters from the HR Committee to the Permanent Mission of Mongolia to the United Nations Office and other international organizations in Geneva, dated 12 November 2012 and 28 April 2014 available from http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/MNG/INT_CCPR_FUL_MNG_12221_E.pdf; and http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/MNG/INT_CCPR_FUL_MNG_17223_E.pdf.

[19] A/HRC/23/32/Add.1, para. 89.

[20] Ibid., para. 97.

[21] UNCT submission to the UPR for Mongolia, para. 9.

[22] According to article 5 of the rules of procedure of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) Sub-Committee on Accreditation, the classifications for accreditation used by the Sub-Committee are: A: Voting Member (fully in compliance with each of the Paris Principles), B: Non-Voting Member (not fully in compliance with each of the Paris Principles or insufficient information provided to make a determination), C: No Status (not in compliance with the Paris Principles).

[23] For the list of national human rights institutions with accreditation status granted by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/HRC/27/40, annex.

[24] The following abbreviations are used in UPR documents:

CERD	Committee on the Elimination of Racial Discrimination;
CESCR	Committee on Economic, Social and Cultural Rights;
HR Committee	Human Rights Committee;
CEDAW	Committee on the Elimination of Discrimination against Women;
CAT	Committee against Torture;
CRC	Committee on the Rights of the Child;
CMW	Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families;
CRPD	Committee on the Rights of Persons with Disabilities;
CED	Committee on Enforced Disappearances;
SPT	Subcommittee on Prevention of Torture.

[25] CCPR/C/MNG/CO/5, para. 29.

[26] CEDAW/C/MNG/CO/7, para. 44.

[27] CAT/C/MNG/CO/1, para. 32.

[28] Letter from the Permanent Mission of Mongolia to the United Nations Office and other international organizations in Geneva to OHCHR, dated 21 May 2012, available from http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/MNG/INT_CCPR_FCO_MNG_11717_E.pdf (unedited version). See also letter from the HR Committee to the Permanent Mission of Mongolia to the United Nations Office and other international organizations in Geneva, dated 30

April 2012, available from http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/MNG/INT_CCPR_FUL_MNG_12222_E.pdf.

[29] Letters from the HR Committee to the Permanent Mission of Mongolia to the United Nations Office and other international organizations in Geneva (see endnote 18).

[30] CEDAW/C/MNG/CO/7/Add.1.

[31] Letter from CEDAW to the Permanent Mission of Mongolia to the United Nations Office and other international organizations in Geneva, dated 19 September 2012, available from http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/MNG/INT_CEDAW_FUL_MNG_13600_E.pdf.

[32] Letter from CAT to the Permanent Mission of Mongolia to the United Nations Office and other international organizations in Geneva, dated 20 December 2011, available from http://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/MNG/INT_CAT_FUR_MNG_12347_E.pdf.

[33] For the titles of special procedures, see www.ohchr.org/EN/HRBodies/SP/Pages/Themes.aspx and www.ohchr.org/EN/HRBodies/SP/Pages/Countries.aspx.

[34] A/HRC/23/36/Add.2, para. 96.

[35] CAT/C/MNG/CO/1, para. 25.

[36] UNCT submission to the UPR for Mongolia, para. 3.

[37] CCPR/C/MNG/CO/5, para. 7.

[38] Ibid., para. 8.

[39] Ibid., para. 26.

[40] CAT/C/MNG/CO/1, para. 25.

[41] CCPR/C/MNG/CO/5, para. 9. See also UNCT submission to the UPR for Mongolia, para. 18.

[42] CAT/C/MNG/CO/1, para. 25. See also UNCT submission to the UPR for Mongolia, paras. 16–17.

[43] UNCT submission to the UPR for Mongolia, para. 4.

[44] CAT/C/MNG/CO/1, para. 19.

[45] Ibid., para. 9.

[46] Ibid., para. 16. See also CAT/C/MNG/CO/1, para. 10.

[47] Letter from CAT to the Permanent Mission of Mongolia to the United Nations Office and other international organizations in Geneva, dated 20 December 2011 (see endnote 32).

[48] CAT/C/MNG/CO/1, para. 16. See also ibid., para. 10.

[49] CCPR/C/MNG/CO/5, para. 16.

[50] CAT/C/MNG/CO/1, para. 8.

[51] Ibid., para. 25.

[52] UNCT submission to the UPR for Mongolia, para. 21.

[53] CCPR/C/MNG/CO/5, para. 18.

[54] CAT/C/MNG/CO/1, para. 20.

[55] UNCT submission to the UPR for Mongolia, para. 23.

[56] CCPR/C/MNG/CO/5, para. 19.

[57] CAT/C/MNG/CO/1, para. 23. See also CCPR/C/MNG/CO/5, para. 19.

[58] CAT/C/MNG/CO/1, para. 22.

[59] UNCT submission to the UPR for Mongolia, para. 24.

[60] CAT/C/MNG/CO/1, paras. 21–22.

[61] UNHCR submission to the UPR for Mongolia, p. 5.

[62] A/HRC/23/36/Add.2, para. 97.

[63] Ibid., para. 87.

[64] UNCT submission to the UPR for Mongolia, para. 25.

[65] CCPR/C/MNG/CO/5, para. 17.

[66] Letter from HR Commission to the Permanent Mission of Mongolia to the United Nations Office and other international organizations in Geneva, dated 12 November 2012 and 28 April (see endnote 18).

[67] CCPR/C/MNG/CO/5, para. 22.

[68] A/HRC/23/36/Add.2, para. 98.

[69] CAT/C/MNG/CO/1, para. 6.

[70] CCPR/C/MNG/CO/5, para. 22.

[71] CAT/C/MNG/CO/1, para. 18.

[72] Ibid., para. 10. See also CAT/C/MNG/CO/1, para. 18.

[73] CAT/C/MNG/CO/1, para. 18.
[74] CCPR/C/MNG/CO/5, para. 14.
[75] CAT/C/MNG/CO/1, para. 12.
[76] CCPR/C/MNG/CO/5, para. 4.
[77] CAT/C/MNG/CO/1, para. 14.
[78] CCPR/C/MNG/CO/5, para. 21.
[79] CAT/C/MNG/CO/1, para. 21. See also CCPR/C/MNG/CO/5, para. 21.
[80] CAT/C/MNG/CO/1, para. 17.
[81] Ibid., para. 9.
[82] CCPR/C/MNG/CO/5, para. 13. See also CAT/C/MNG/CO/1, paras. 7 and 9.
[83] Letter from CAT to the Permanent Mission of Mongolia to the United Nations Office and other international organizations in Geneva, dated 20 December 2011 (see endnote 32).
[84] CAT/C/MNG/CO/1, para. 11.
[85] CCPR/C/MNG/CO/5, para. 12.
[86] Letters from the HR Committee to the Permanent Mission of Mongolia to the United Nations Office and other international organizations in Geneva, dated 12 November 2012 and 28 April 2014 available from http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/MNG/INT_CCPR_FUL_MNG_12221_E.pdf; and http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/MNG/INT_CCPR_FUL_MNG_17223_E.pdf .
[87] CAT/C/MNG/CO/1, para. 24.
[88] CCPR/C/MNG/CO/5, para. 24.
[89] Ibid., para. 23.
[90] UNCT submission to the UPR for Mongolia, para. 34.
[91] CCPR/C/MNG/CO/5, para. 25.
[92] UNESCO submission to the UPR for Mongolia, para. 30.
[93] Ibid., para. 28.
[94] CCPR/C/MNG/CO/5, para. 8.
[95] Letter from CEDAW to the Permanent Mission of Mongolia to the United Nations Office and other international organizations in Geneva, dated 19 September 2012 (see endnote 31).
[96] A/HRC/23/36/Add.2, para. 97.
[97] UNCT submission to the UPR for Mongolia, para. 38.
[98] Ibid., para. 40.
[99] CAT/C/MNG/CO/1, para. 22.
[100] UNCT submission to the UPR for Mongolia, para. 39.
[101] A/HRC/23/32/Add.1, para. 91.
[102] A/HRC/23/36/Add.2, para. 95.
[103] UNCT submission to the UPR for Mongolia, para. 45.
[104] CCPR/C/MNG/CO/5, para. 20.
[105] UNCT submission to the UPR for Mongolia, para. 46.
[106] Ibid., para. 56.
[107] Ibid., para. 49.
[108] CCPR/C/MNG/CO/5, para. 27.
[109] UNCT submission to the UPR for Mongolia, para. 52.
[110] UNESCO submission to the UPR for Mongolia, para. 31.
[111] CCPR/C/MNG/CO/5, para. 10. See also UNCT submission to the UPR for Mongolia, para. 19.
[112] CAT/C/MNG/CO/1, para. 26.
[113] A/HRC/23/36/Add.2, para. 97.
[114] Ibid.
[115] UNHCR submission to the UPR for Mongolia, p. 1.
[116] Ibid., p. 3.
[117] CAT/C/MNG/CO/1, para. 13.
[118] UNHCR submission to the UPR for Mongolia, p. 4.
[119] A/HRC/23/32/Add.1, para. 86.
[120] UNCT submission to the UPR for Mongolia, para. 45.